

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

| TITLE OF CASE | ATTORNEYS |
|--|---|
| <p>AMERICAN BANK OF TULSA, a banking corporation</p> <p>vs James E. Smith,</p> <p>JUSTIN T. WATSON WILLIAM B. CAMP, Comptroller of the Currency of the United States</p> <p>INTERVENOR-DEFTS. (7-30-73 Floyd A. Calvert, Jr., William R. Horkey, Joseph A. LaFortune, Jr., Dickson M. Saunders, Victor B. Thompson, Victor M. Thompson, Jr., & John S. Zink.</p> <p style="text-align: center;">John A. Gaberino, Jr. (Intervenors-Town & County) Fifth Floor, Okla. Natl Bldg. Tulsa, Okla. 74119</p> <p style="text-align: center;">585-8141</p> | <p>For plaintiff:</p> <p>Jack R. Givens 1700 4th National Bank Bldg Tulsa, Oklahoma 74119</p> <p style="text-align: right;">583-1115</p> <p>For defendant:</p> <p>Robert Santee (Justin T. Watson) Nathan Graham Ms. Lise Haupt Harland F. Leathers Harlington Wood, Jr. Jeffrey S. Rosen Office of the Comptroller of the Currency Washington, D. C.</p> <p>Dickson M. Saunders & (Calvert, Horkey, William C. Anderson (LaFortune, etc.)) 1200 Atlas Life Bldg. (INTERVENORS) Tulsa, Ok 74103 (585-5541)</p> |

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|---|--------------|---------|---------------------|-------|-------|
| J.S. 5 mailed 2-1-73 | Clerk | 1973 | | | |
| | | 1-18- | Givens | 15 00 | |
| | | 1-26-73 | C.D.No.33 | | 15 00 |
| J.S. 6 mailed 1-1-74 | Marshal | 12/28 | Gaberino | 5 00 | |
| | | 1-3-74 | C/D #25 | | 5 00 |
| | | 1-18 | Givens | 5.00 | |
| | | 1-24-74 | C/D #28 | | 5 00 |
| Basis of Action: For declaratory judgment and injunctive relief | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: Okla | Depositions | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|---|------------------------------|
| 1-18-73 | Complaint filed and summons issued. ds | |
| 1-22-73 | Summons, ret. & filed: served 2 copies to Atty. Gen., Dept. of Justice, 1 copy to Wm. B. Camp, Comptroller of the Currency, Treas. Dept., Wash. D. C., and served U. S. Attorney, Tulsa, Ok. all on 1-19-73. (USM \$3.00)g | |
| 2-7-73 | Notice to Take Depositions of Vic Thompson, Pres. of Utica Ntl. Bnk., in Tulsa, Okla., on 2-16-73, at 9:30 A.M., filed. v | |
| 2-16-73 | Return of Deposition Subpoena to Testify, etc. of Vic Thompson, served on 2-13-73 by his personal secretary, filed. jj | |
| 3-20-73 | Motion of Deft., for enlargement of time within which to answer or otherwise plead, with Brief as part of pldg., filed. v -order to Judge. | |
| 3-26-73 | Order filed, that deft, Wm. B. Camp, Comptroller of the Currency of the U.S., shall have from 3-20-73 to 4-20-73 in which to answer or plead, filed. (FD-J)r (Copies to U.S. Atty) | |
| 4-11-73 | Deft. Acting Comptroller's <u>Motion</u> for Protective Order, filed. v <i>mailed</i> | |
| 4-11-73 | Memorandum of Points and Authorities in Support of Motion of Acting Comptroller of the Currency Justin T. Watson for Protective Order, filed. v | |
| 4-11-73 | <u>Answer of Deft.</u> Justin T. Watson, filed. v | |
| 4-11-73 | Deft. Acting Comptroller's <u>Motion</u> for Summary Judgment, filed. v <i>mailed</i> | |
| 4-11-73 | Memorandum in Support of Mot. for Summary Judgment, filed. v | |
| 4-11-73 | Exhibit A--Volume I and Volume II, filed. v | |
| 4-11-73 | Exhibit B (Certificate), filed. v | |
| 4-11-73 | Exhibit C (Certificate), filed. v | |
| 4-11-73 | Exhibit D (Certificate), filed. v | |
| 4-11-73 | Transcript of Proceedings, taken from Hoover Reporting Co., filed. v | |
| 4-11-73 | Motion of the Deft. for Substitution of Party and Brief in Support, filed. v -order to Judge. | |
| 4-16-73 | Order filed, that Justin T. Watson, Acting Comptroller of the Currency Of U.S.A., be and is hereby substituted, as deft in action in place of William B. Camp, filed. (FD-J)r (Copies Mailed) | |
| 4-18-73 | Copy of letter dated 4-18-73 from J.D. to Jack Givens, stating that Pltfs are to respond to the Motion for Protective Order within 15 days. If the Mtn is opposed, it is desired that Pltf's response be supported by a brief. It is also desired that Pltf respond to Mtn for S/J, with a supporting brief, within 20 days. filed. r | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 4-18-73 | Motion for Leave to Intervene, Calvert, Jr., Horkey, LaFortune, Jr., Saunders, Thompson, Tompson, Jr. & Zink for deft. filed. jj <i>Marked</i> | |
| 4-18-73 | Memorandum in Support of Motion for Leave to Intervene, filed. jj <i>Marked</i> | |
| 5-2-73 | Copy of letter dated 5-1-73 from J.D. to Pltf & Deft, requesting that they respond to Mot. for leave to intervene within 15 days (Due 5-16) If opposed, Brief should be accompanied. filed. r | |
| 5-2-73 | Appl. for extension of time to file response & brief, filed. v <i>order to Judge</i> | |
| 5-7-73 | Order, filed, granting Pltf. until 5-16-73, in which to respond to all motions & briefs of Dft.s. (FD-J)v -copies mailed. | |
| 5-11-73 | Response to motion for leave to Intervene filed.h | |
| 5-14-73 | Appl. of pltf. for ext of time to file response & brief in answer to mo/SJ, filed. rm <i>attly. will mail order to J.</i> | |
| 5-16-73 | Order filed, ext. time until 5-26-73 for Pltf to file response and answer brief to Motion for S/J, filed. (FD-J)r (Copies mailed) | |
| 5-16-73 | Plaintiff's request for admissions, filed. ds | |
| 5-16-73 | Response to motion for leave to intervene and brief in support, filed. ds | |
| 5-16-73 | Affidavit in support of response to motion for summary judgment, filed. ds | |
| 5-16-73 | Response to motion for protective order and brief in support thereof, filed. ds <i>Marked</i> | |
| 5-17-73 | Supplemental Affidavit of John L. O'Brien in Support of Plaintiff's Response for Summary Judgment, filed. v | |
| 5-29-73 | Pltf's Response to Motion for S/J and Brief in support, filed. r <i>Marked</i> | |
| 5-29-73 | Pltf's Second Supplemental Affidavit in support of Response to Mtn for S/J, filed. r <i>Marked</i> | |
| 5-29-73 | Certificate of Mailing of 2nd Supplemental Affid., filed. r <i>Marked</i> | |
| 6-7-73 | Reply Brief of Movants for Intervention to Pltf's Response to Motion for Leave to Intervene & Brief in support, filed. r | |
| 6-11-73 | Deft. Acting Comptroller's Obj. to Pltf's Request for Admissions filed May 16, 1973., filed. jj <i>Marked</i> | |
| 6-11-73 | Deft. Acting Comptroller's Memorandum in Reply to Pltf's Response to Mtn. for Protective Order, filed. jj <i>Marked</i> | |
| 7-30-73 | Order filed granting Motion for Leave to Intervene by Movants. The Answer, Mot for Protective Order, Mot for S/J & Memorandum may be filed instantly by the Intervenor-Defts. Pltf will respond with Brief in 10 days to Intervenor's Motions or adopt its responses to deft's similar motions in the same period. (FD-J)r (Copies mailed) | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 7-31-73 | Notice, filed. v | |
| 7-31-73 | Answer of Intervenor-Deft.s, Floyd A. Calvert, Jr., William R. Horkey, Joseph A. LaFortune, Jr., Dickson M. Saunders, Victor B. Thompson, Victor M. Thompson, Jr., and John S. Zink, filed. v | |
| 7-31-73 | Intervenor-Deft.s, Motion for Protective Order, filed. v <i>marked</i> | |
| 7-31-73 | Memorandum of Points and Authorities in support of mot. for Protective Order, filed. v | |
| 7-31-73 | Intervenor-Deft.s' Motion for Summary Judgment, filed. v <i>marked</i> | |
| 7-31-73 | Memorandum in support, filed. v | |
| 8-9-73 | Pltf's Response to Motion of Intervenor, filed. r <i>marked</i> | |
| 9-4-73 | Appl. of Intervenor-Defts for leave to file reply brief in support of Mtn for S/J, filed. r <i>marked</i> | |
| 9-11-73 | Case set for Oral Arguments of Deft's and Intervenor's Motions for Summary Judgment; and Deft's and Intervenor's Motions for Protective Order, on Oct. 3, 1973 at 1:30 P.M. (FD-J)r | |
| 9-12-73 | Ordered by the Court that Appl of Intervenor-Defts are granted leave to file Reply Brief in support of Mtn for S/J. (FD-J)r (Attys notified by clerk) | |
| 9-13-73 | Reply brief of defendants-intervenor in support of motion for summary judgment, filed. ds | |
| 9-20-73 | Three letters filed. From Jack Givens, & Wm. Anderson, & the 3rd one in response to the first two, is from Judge Daugherty. Ltr.s pertain to setting case for oral arguments. v | |
| 9-25-73 | Ordered by the Court, that the request of pltf to reschedule the hearing on Oral Arguments set on Octovwr 3, 1973 in this case to begin at 3:00 P.M., rather than 1:30 P.M. is Granted. (FD-J)r | |
| 10-3-73 | Case called for hearing on Mo/Protective Order and Mo/SJ of defs. and intervenors. Pltf. represented by Jack Givens. Def. USA rep. by Lise Haupt and Jack Short. Intervenor rep. by Dickson Saunders and Bill Anderson. Statements made. Court takes matter under advisement and will issue a memorandum opinion. (FD-J) rm | |
| 10-12-73 | Motion to Intervene as plaintiffs filed by Organizers of the Proposed Town and Country Bank filed. h | |
| 10-12-73 | Proposed Complaint of Intervenor filed.h | |
| 10-12-73 | Brief of applicants for Intervention in support of motion to Intervene as Plaintiffs filed.h | |
| 10-12-73 | Trial brief of applicatns for intervention as plaintiffs filed.h | |
| 10-17-73 | Ltr. from FD/ to counsel dated 10/16/73 granting parties 10 days to respond to motion to intervene of T&C, w/brief if opposed. (FD-J)rm (due 10/26) | |
| 10-26-73 | Appl. of deft. for enlargement of time to respond, filed. a | |
| 10-26-73 | <i>to be brought on</i> | |

Cont.

D. C. 110A Rev. Civil Docket Continuation

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 10-26-73 | Response of all Intervenor Defts to Appl of Proposed Intervenor to Intervene as Pltf. with brief attached, filed. a | |
| 10-26-73 | Response by Pltf. to Motion for Leave to Intervene, filed. a | |
| 10-26-73 | Brief in Support of Resp. to Motion for Leave to Intervene, filed. a | |
| 10-29-73 | Order, filed, that deft. Justin T. Watson, Comptroller of the Currency, have to and including 11-5-73 to respond to Mtn. for Leave to Intervene (FD-J)jj copies mailed | |
| 11-14-73 | Opposition of comptroller to mo/intervene, w/brief, filed. rm | |
| 11-16-73 | Order filed, that James E. Smith, Comptroller of the Currency of the U. S. be and he is hereby substituted as defendant in this action in place of Justin T. Watson. (FD-J)g copies mailed. | |
| 11-26-73 | Reply Brief of Applicants for Intervention as Pltfs in support of Mot. to Intervene, filed. v | |
| 11-28-73 | Order, filed, denying mo/intervene of T&C Bank. (FD-J)rm <i>Copies mailed</i> | |
| 12-19-73 | Memorandum opinion, filed and entered. (FD-J)rm <i>Copies mailed</i> | |
| 12-19-73 | Judgment, filed and entered, that action and decision of def. under date of 12/1/72 approving appl. for charter to Union Natl. Bank is affirmed and def. and intervenors' mo/SJ are granted; further ordered that pending mos/protective order are sustained. (FD-J)rm <i>Copies mailed</i> | |
| 12-27-73 | Notice of appeal by proposed intervenors from order denying motion to intervene, entered 11/28/73, filed. rm (copies to all counsel & USCA) | |
| 12-27-73 | Cost bond (\$250 cash) on appeal, filed by proposed intervenors. rm | |
| 1-2-74 | Designation of appeal record by appellants, filed. rm | |
| 1-10-74 | Counter-designation of intervenors-defendants, filed. g | |
| 1-17-74 | Notice of appeal by pltf. from order, judg. & opinion of 12/19/73, filed. rm (copies to counsel & USCA) | |
| 1-17-74 | Cost bond (\$250 cash) on appeal, filed by pltf. rm | |
| 1-22-74 | Designation by Plaintiff of Contents of a Record on Appeal filed. e | |
| 2-21-74 | Transcript of Proceedings for hearing on October 3rd, 1973. (Lee Cook-C.R.) filed.s | |
| 2-26-74 | Appeal record (6 volumes) transmitted to USCA. rm | |
| 10-9-74 | Order of USCA, filed and spread of record, that action by Comptroller of Currency of U.S. on granting charter to Union Natl. Bank is stayed until 12/4/74 & until further order of Ct. of Appeals; if no appl. is made to Fed. Reserve Bd. on or before 12/4/74, Ct. will consider motion for issuance of mandate; Ct. will retain jurisdiction of appeal and if it later appears nec. to remand to District Ct for further proceedings, Appeal Ct. will dispose of unresolved questions or issues at that time. rm | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 12-9-74 | CC Order of USCA that petition of Comptroller for rehearing is held in abeyance pending disposition of the application to the Federal Reserve Board, directing the Clerk to withhold issuance of the mandate pending further Order of the Court, filed. g 1275 | |
| 3-7-75 | Mandate of USCA, w/copy of opinion of 10/4/74 and copy of Order of 10/4/74, filed and spread of record; that mo/rehearing of Comptroller and reps. of Union Natl. Bank, are denied; mo/dissolve stay order of Union Bank Group is granted; mo/stay issuance of mandate of Town & Country Group is denied. rm | |
| 3-13-75 | Original appeal record (6 vols) received from USCA. rm | |
| 3-19-82 | APPLIC of intervenors to dismiss appeal bond.(0 to J'Cook)a | |
| 3-25 | ORDER granting intervenors to receive appeal bond of \$250.00 to be disbursed to Huffman, Arrington, Kihle, Gaberino & Dunn.(HDC-J)a cp/mld | |
| 1-21-83 | APPLIC of pltf for order directing clk to pay over costs(\$250.00)a (0 to J)a | |
| 1-24 | ORDER AUTHORIZING & DIRECTING CLERK TO PAY OVER FUNDS in the amt of \$250.00 deposited on 1/17/74 to Jack R. Givens. (HDC-J) ck mailed by Clerk of Court. bv | |